

SECOND REGULAR SESSION

# HOUSE BILL NO. 1878

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SIMMONS.

4557H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows:

- 115.427. 1. Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place **or, if casting an absentee ballot under section 115.257, at the office of the election authority or other authorized location designated by the election authority** by presenting a form of personal **photo** identification to election officials. No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any one of the following:
- (1) Nonexpired Missouri driver's license;
  - (2) Nonexpired or nonexpiring Missouri nondriver's license;
  - (3) A document that satisfies all of the following requirements:
    - (a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;
    - (b) The document shows a photograph of the individual;
    - (c) The document includes an expiration date, and the document is not expired, or, if expired, the document expired after the date of the most recent general election; and
    - (d) The document was issued by the United States or the state of Missouri; or

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) Any identification containing a photograph of the individual which is issued by  
19 the Missouri National Guard, the United States Armed Forces, or the United States  
20 Department of Veteran Affairs to a member or former member of the Missouri National  
21 Guard or the United States Armed Forces and that is not expired or does not have an  
22 expiration date.

23 2. (1) An individual who appears at a polling place without a form of personal  
24 identification described in subsection 1 of this section and who is otherwise qualified to vote  
25 at that polling place ~~[may execute a statement, under penalty of perjury, averring that the~~  
26 ~~individual is the person listed in the precinct register; averring that the individual does not~~  
27 ~~possess a form of personal identification described in subsection 1 of this section;~~  
28 ~~acknowledging that the individual is eligible to receive a Missouri nondriver's license free of~~  
29 ~~charge if desiring it in order to vote; and acknowledging that the individual is required to~~  
30 ~~present a form of personal identification, as described in subsection 1 of this section, in order~~  
31 ~~to vote. Such statement shall be executed and sworn to before the election official receiving~~  
32 ~~the statement. Upon executing such statement, the individual may cast a regular ballot,~~  
33 ~~provided such individual presents one of the following forms of identification:~~

34 (a) ~~Identification issued by the state of Missouri, an agency of the state, or a local~~  
35 ~~election authority of the state;~~

36 (b) ~~Identification issued by the United States government or agency thereof;~~

37 (c) ~~Identification issued by an institution of higher education, including a university,~~  
38 ~~college, vocational and technical school, located within the state of Missouri;~~

39 (d) ~~A copy of a current utility bill, bank statement, government check, paycheck, or~~  
40 ~~other government document that contains the name and address of the individual;~~

41 (e) ~~Other identification approved by the secretary of state under rules promulgated~~  
42 ~~pursuant to this section.~~

43 (2) ~~For any individual who appears at a polling place without a form of personal~~  
44 ~~identification described in subsection 1 of this section and who is otherwise qualified to vote~~  
45 ~~at that polling place, the election authority may take a picture of such individual and keep it as~~  
46 ~~part of that individual's voter registration file at the election authority.~~

47 (3) ~~Any individual who chooses not to execute the statement described in subdivision~~  
48 ~~(1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted,~~  
49 ~~provided that it meets the requirements of subsection 4 of this section.~~

50 (4) ~~For the purposes of this section, the term "election official" shall include any~~  
51 ~~person working under the authority of the election authority.~~

52 3. ~~The statement to be used for voting under subdivision (1) of subsection 2 of this~~  
53 ~~section shall be substantially in the following form:]~~

54 ["State of \_\_\_\_\_]

55 [County of \_\_\_\_\_]  
 56 [I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that I reside  
 57 at \_\_\_\_\_; that I am the person listed in the precinct register under this  
 58 name and at this address; and that, under penalty of perjury, I do not  
 59 possess a form of personal identification approved for voting. As a  
 60 person who does not possess a form of personal identification approved  
 61 for voting, I acknowledge that I am eligible to receive free of charge a  
 62 Missouri nondriver's license at any fee office if desiring it in order to  
 63 vote. I furthermore acknowledge that I am required to present a form  
 64 of personal identification, as prescribed by law, in order to vote.]

65 [I understand that knowingly providing false information is a violation  
 66 of law and subjects me to possible criminal prosecution.]

67 [\_\_\_\_\_]

68 [Signature of voter]

69 [Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 70 \_\_\_\_]

71 [\_\_\_\_\_]

72 [Signature of election official"]

73 [~~4. A voter~~] shall be allowed to cast a provisional ballot [~~under section 115.430 even~~  
 74 ~~if the election judges cannot establish the voter's identity under this section~~]. The election  
 75 judges shall make a notation on the provisional ballot envelope to indicate that the voter's  
 76 identity was not verified.

77 **(2) No person shall be entitled to receive a provisional ballot until such person**  
 78 **has completed a provisional ballot affidavit on the provisional ballot envelope. All**  
 79 **provisional ballots shall be marked with a conspicuous stamp or mark that makes them**  
 80 **distinguishable from other ballots.**

81 **(3) The provisional ballot envelope shall be completed by the voter for use in**  
 82 **determining the voter's eligibility to cast a ballot.**

83 **3. The provisional ballot envelope shall provide a place for the voter's name,**  
 84 **address, date of birth, and last four digits of his or her Social Security number, followed**  
 85 **by a certificate in substantially the following form:**

86 **I do solemnly swear that I am the person identified above and the**  
 87 **information provided is correct. I understand that my vote will**  
 88 **not be counted unless:**

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- (1) I return to this polling place today between 6:00 a.m. and 7:00 p.m. and provide one of the following forms of identification:**
- (a) Nonexpired Missouri driver's license;**
  - (b) Nonexpired or nonexpiring Missouri nondriver's license;**
  - (c) A document that satisfies all of the following requirements:**
    - (i) The document contains my name, in substantially the same form as the most recent signature on my voter registration record;**
    - (ii) The document contains my photograph;**
    - (iii) The document contains an expiration date and is not expired, or if expired, the document expired after the date of the most recent general election; and**
    - (iv) The document was issued by the United States or the state of Missouri; or**
  - (d) Identification containing my photograph issued to me by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veterans Affairs as a member or former member of the Missouri National Guard or the United States Armed Forces that is not expired or does not have an expiration date; or**
- (2) The election authority verifies my identity by comparing my signature on**

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| <b>this envelope to the signature on file with the election authority and determines that I was eligible to cast a ballot at this polling place; and</b> |             |
| <b>(3) This provisional ballot otherwise qualifies to be counted under the laws of the state of Missouri.</b>  |             |
| _____  | _____       |
| <b>Signature of Voter</b>  | <b>Date</b> |
| _____  | _____       |
| <b>Signatures of Election Officials</b>  |             |

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**Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and placed in a separate secured container by the election judge.**

**4.** The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and provides a form of personal identification that allows the election judges to verify the voter's identity as provided in subsection 1 of this section; or

(b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

(2) The provisional ballot otherwise qualifies to be counted under section 115.430.

~~5. [The secretary of state shall provide advance notice of the personal identification requirements of subsection 1 of this section in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state internet websites of the secretary of state and governor.]~~

~~6.]~~ (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any

152 otherwise qualified voter who does not already possess such identification and who desires  
153 the identification ~~[in order to vote]~~ **for voting**.

154 (2) This state and its agencies shall provide one copy of each of the following, free of  
155 charge, if needed by an individual seeking to obtain a form of personal identification  
156 described in subsection 1 of this section ~~[in order to vote]~~ **for voting**:

157 (a) A birth certificate;

158 (b) A marriage license or certificate;

159 (c) A divorce decree;

160 (d) A certificate of decree of adoption;

161 (e) A court order changing the person's name;

162 (f) A Social Security card reflecting an updated name; and

163 (g) Naturalization papers or other documents from the United States Department of  
164 State proving citizenship.

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166 Any individual seeking one of the above documents in order to obtain a form of personal  
167 identification described in subsection 1 of this section ~~[in order to vote]~~ **for voting** may  
168 request the secretary of state to facilitate the acquisition of such documents. The secretary of  
169 state shall pay any fee or fees charged by another state or its agencies, or any court of  
170 competent jurisdiction in this state or any other state, or the federal government or its  
171 agencies, in order to obtain any of the above documents from such state or the federal  
172 government.

173 (3) ~~[All costs associated with the implementation of this section shall be reimbursed  
174 from the general revenue of this state by an appropriation for that purpose. If there is not a  
175 sufficient appropriation of state funds, then the personal identification requirements of  
176 subsection 1 of this section shall not be enforced.]~~

177 (4) Any applicant who requests a nondriver's license for ~~[the purpose of]~~ voting shall  
178 not be required to pay a fee ~~[if the applicant executes a statement, under penalty of perjury,  
179 averring that the applicant does not have any other form of personal identification that meets  
180 the requirements of this section]~~. The state of Missouri shall pay the legally required fees for  
181 any such applicant. ~~[The director of the department of revenue shall design a statement to be  
182 used for this purpose. The total cost associated with nondriver's license photo identification  
183 under this subsection shall be borne by the state of Missouri from funds appropriated to the  
184 department of revenue for that specific purpose.]~~ The department of revenue and a local  
185 election authority may enter into a contract that allows the local election authority to assist the  
186 department in issuing nondriver's license photo identifications.

187 [7-] 6. The director of the department of revenue shall, by January first of each year,  
188 prepare and deliver to each member of the general assembly a report documenting the number

189 of individuals who have requested and received a nondriver's license photo identification for  
 190 the purposes of voting under this section. The report shall also include the number of persons  
 191 requesting a nondriver's license for purposes of voting under this section, but not receiving  
 192 such license, and the reason for the denial of the nondriver's license.

193 ~~[8.]~~ 7. The precinct register shall serve as the voter identification certificate. The  
 194 following form shall be printed at the top of each page of the precinct register:

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| VOTER'S IDENTIFICATION CERTIFICATE<br>Warning: It is against the law for anyone to vote, or attempt to vote,<br>without having a lawful right to vote.<br>PRECINCT _____<br>WARD OR TOWNSHIP _____<br>GENERAL (SPECIAL, PRIMARY) ELECTION<br>Held _____, 20_____<br>Date _____<br>I hereby certify that I am qualified to vote at this election by signing<br>my name and verifying my address by signing my initials next to my<br>address. |
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206 ~~[9.]~~ 8. The secretary of state shall promulgate rules to effectuate the provisions of this  
 207 section.

208 ~~[10.]~~ 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 209 created under the authority delegated in this section shall become effective only if it complies  
 210 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
 211 This section and chapter 536 are nonseverable and if any of the powers vested with the  
 212 general assembly pursuant to chapter 536 to review, to delay the effective date or to  
 213 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
 214 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid  
 215 and void.

216 ~~[11.]~~ 10. If any voter is unable to sign his name at the appropriate place on the  
 217 certificate or computer printout, an election judge shall print the name and address of the  
 218 voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of  
 219 signature, and the voter's mark shall be witnessed by the signature of an election judge.

220 ~~[12.]~~ 11. This section shall become effective only upon the passage and approval by  
 221 the voters of a constitutional amendment submitted to them by the general assembly  
 222 regarding the authorization of photo identification requirements for elections by general law.  
 223 If such constitutional amendment is approved by the voters, this section shall become  
 224 effective June 1, 2017.